

## Message Text

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INFO OCT-01 AF-10 ARA-16 ISO-00 EUR-25 SS-20 NSC-10

CIAE-00 INR-10 NSAE-00 RSC-01 JUSE-00 SEC-03 PA-04

PRS-01 USIA-15 DRC-01 /120 W  
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P R 301446Z NOV 73

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC PRIORITY 4961

INFO AMEMBASSY SAN JOSE

AMEMBASSY ACCRA

C O N F I D E N T I A L SECTION 1 OF 2 NASSAU 1848

E. O. 11652: GDS

TAGS: PFOR CPRS BF

SUBJ: EXTRADITION: ROBERT L. VESCO - HEARING DAY TWELVE

BEGIN SUMMARY: AS THE HEARING PROCEEDED INTO ITS TWELFTH DAY, PROGRESS WAS AGAIN SLOWED BY OSADEBAY'S PERSONAL INTERPRETATION OF THE SOCRATIC METHOD -- A SERIES OF STOPS, STARTS AND TURNINGS BACK WHICH DID NOTHING TO EASE THE FATIGUE EVIDENT AMONG ALL PARTIES, INCLUDING THE MAGISTRATE HIMSELF. END SUMMARY.

1. MAGISTRATE OSADEBAY BEGAN THE SESSION WITH A PLACATORY ADMISSION TO WALLACE-WHITFIELD THAT THE FORMER WAS BECOMING FATIGUED WITH THE PRESSURES OF THE CASE AND NOT GETTING MUCH SLEEP AT NIGHT AFTER TRYING TO UNRAVEL SOME OF THE LEGAL COMPLEXITIES INVOLVED. OSADEBAY ALSO REFERRED TO THE "ONEROUS TASK" THAT WAS HIS LOT AS THE MAGISTRATE SELECTED TO HEAR THIS CASE. WHITFIELD WAS PROPERLY SYMPATHETIC.

2. THE TRUCE WAS SHORT-LIVED, HOWEVER. "JUDGE" AND "PROSECUTOR" WERE SOON ENGAGED IN THEIR NOW RITUALISTIC SPAT, THIS TIME CONCERNING SUCH ISSUES AS THE WEIGHT OF EVIDENCE NECESSARY FOR COMMITMENT OF AN ACCUSED IN AN EXTRADITION CASE. WHITFIELD TRIED WITH QUESTIONABLE SUCCESS TO CONVINCE OSADEBAY  
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THAT IN EXTRADITION A MAGISTRATE IS NOT REQUIRED TO MAKE A

FINDING OF GUILT OR INNOCENCE BUT MERELY TO HOLD THAT SUFFICIENT CAUSE FOR TRIAL EXISTS. COMMENT: THIS FACTOR MAY SUGGEST ONE OF PROBLEMS OSADEBAY HAS HAD THROUGHOUT THE HEARING -- HE IS A POLICE-COURT JUDGE FINDING IT HARD TO BREAK HIS HABIT.

3. THE TWO HAD ANOTHER GO AT THE ALLOTEY CASE, WITH THE MAGISTRATE PROTESTING AS HE HAS IN SIMILAR PAST INSTANCES THAT HIS REMARKS OF YESTERDAY ABOUT THE EFFECT OF FOREIGN INFLUENCES ON THE JUDGES OF NEWLY INDEPENDENT NATIONS WERE GENERAL IN NATURE AND NOT MEANT TO APPLY TO THE GHANIAN JUDICIARY. HE CONTINUED TO INSIST HOWEVER THAT SUCH ITEMS AS THE "FRIENDLY STATE" DOCTRINE WERE EXTRA-JUDICIAL AND POLITICAL, NOT THE SORT OF RIGOROUSLY LEGAL CONSIDERATION HE HIMSELF PLANNED TO EMPLOY IN DECIDING THIS CASE.

4. WHEN WHITFIELD TRIED TO PURSUE THE POINT, OSADEBAY ERUPTED. HE ACCUSED WHITFIELD OF PLAYING TO THE MEDIA AND OF ATTEMPTING TO GIVE THE IMPRESSION THAT OSADEBAY WAS AGAINST WHITFIELD AND THE USG. WHITFIELD STRUCK BACK, DENYING THAT IT WAS HE WHO WAS RESPONSIBLE FOR THE INCESSANT SQUABBLING AND SUGGESTING THAT OSADEBAY HAD INSULTED WHITFIELD'S INTELLIGENCE. A TEN-MINUTE RECESS WAS SUGGESTED AND THE MAGISTRATE STALKED FROM THE ROOM. DURING THE RECESS, EMBOFF WAS CHATTING WITH WHITFIELD IN WHAT HE HOPED WAS A SOOTHING MANNER WHEN ROBERT VESCO STROLLED UP TO THE LATTER AND OFFERED A TRANQUILIZER. VESCO SAID HE REALIZED IT WAS HARD TO GET ALONG WITH OSADEBAY AND THAT THE VESCO FORCES HAD BEEN INCREASINGLY (BUT SILENTLY) FRUSTRATED WITH THE MAGISTRATE'S HABIT OF MAKING DEFENSE POINTS INEPTLY BEFORE VESCO ATTORNEY DUPUCH HAD A CHANCE TO RISE AND MAKE THEM CORRECTLY. VESCO THEORIZED THAT OSADEBAY WAS UNSURE OF HIMSELF ON THE BENCH AND WAS CRAWLING THROUGH THE CASE, RAISING RELEVANT AND IRRELEVANT ISSUES, IN AN ATTEMPT TO COVER HIMSELF FROM CRITICISM IN THE EVENT OF APPEAL BY EITHER SIDE.

5. AFTER THE SHORT RECESS, WHITFIELD AND OSADEBAY SMILED AT EACH OTHER AND CONTINUED THEIR SEMINAR ON THE ALLOTEY CASE. THEY DISCUSSED, AT LENGTH, WHETHER THE DECISION COVERED BOTH SECTIONS 1343 AND 1341 OF TITLE 18 USC, OR ONLY THE LAT-  
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TER; EXACTLY WHAT THE WORDING OF THE GHANIAN EXTRADITION ACT IS, AND EVEN THE PERSONALITIES INVOLVED (OSADEBAY IS AN OLD FRIEND OF THE GHANIAN JUDGE WHO DECIDED THE CASE, WHITFIELD OF THE DEFENSE COUNSEL INVOLVED). WHITFIELD THEN BEGAN TO DISCUSS THE BUHL AFFIDAVITS. HE HINTED DARKLY AT WHO PREPARED THE SECOND BUHL AFFIDAVIT AND WHY, AND THE JUDGE HINTED BLITHELY HE COULDN'T CARE LESS. WHITFIELD ATTEMPTED TO SHOW THAT THE SECOND BUHL AFFIDAVIT DID NOT CONTRADICT THE FIRST IN SOME

IMPORTANT RESPECTS BUT WAS ONLY DELICATELY WORDED TO GIVE THAT EFFECT. OSADEBAY SEEMED INTERESTED BY THE SUBTLETIES OF THIS LATTER LINE OF ARGUMENT, WHICH WAS INTERRUPTED BY THE LUNCHEON RECESS. (COMMENT: IT IS BECOMING QUITE CLEAR THAT OSADEBAY IS ATTRACTED MORE BY NARROW TECHNICAL ARGUMENTS THAN BY THOSE REQUIRING IMAGINATION OR VENTURES INTO "GREY AREAS" OF THE LAW. THIS MAY AFFECT THE ULTIMATE OUTCOME OF THE CASE: OBSERVERS, WHO ARE BOTH HIGHLY QUALIFIED AND FRIENDLY TO THE USG INTERESTS INVOLVED, CLAIM THAT FOR THE MAGISTRATE TO RULE AGAINST VESCO WOULD REQUIRE OSADEBAY TO TAKE A "BROAD VIEW" OF THE RELATIONSHIP BETWEEN THE LAW AND FACTS INVOLVED; IF HE TAKES A "NARROW VIEW" BASED ON A CLOSE, TECHNICAL READING, HE WILL PROBABLY RULE IN VESCO'S FAVOR.) SPIERS

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PRS-01 USIA-15 DRC-01 /120 W  
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P R 301446Z NOV 73

FM AMEMBASSY NASSAU

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INFO AMEMBASSY SAN JOSE

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C O N F I D E N T I A L SECTION 2 OF 2 NASSAU 1848

6. THE MOST HEATED POINT IN A RATHER DULL AFTERNOON SESSION CAME WHEN THE MAGISTRATE INTIMATED THAT THE FIRST BUHL AFFIDAVIT, PREPARED BY ASSISTANT US ATTORNEY LOWE, MAY HAVE BEEN SIGNED BY BUHL UNDER PRESSURE. AT LOWE'S PROMPTING, WHITFIELD OFFERED TO PUT LOWE ON THE STAND AGAIN TO TESTIFY TO THE CIRCUMSTANCES OF ITS PREPARATION. THE MATTER WAS DROPPED AFTER ANOTHER "COOLING OFF" RECESS. OSADEBAY SUGGESTED THAT DOCUMENTS SHOWING THE CORPORATE REGISTRATION OF ICC AND THAT VESCO WAS PROPERLY MADE A DIRECTOR SHOULD HAVE BEEN PRESENTED. WHITFIELD DISAGREED AND THAT MATTER TOO SEEMS TO HAVE BEEN

LEFT UNRESOLVED.

7. COMMENT: SOME COMIC RELIEF CAME DURING A BRIEF RECESS WHEN VESCO JOKINGLY TOLD HIS LAWYERS TO FIND SOME PRETEXT TO SUE THE EMBASSY'S REPRESENTATIVE. VESCO'S US ATTORNEY THEN SUGGESTED THAT THE EMBASSY DUTY WAS TO PROTECT THE RIGHTS OF US CITIZENS AND THEREFORE THE EMBASSY OBSERVER SHOULD BE SITTING ON VESCO'S SIDE OF THE COURT. VESCO QUICKLY CHIMED IN THAT HIS PLACE WOULD BE ON THAT SIDE ONLY IF HIS DUTIES INCLUDE PROTECTING NON REPEAT NON-US CITIZENS.

8. DUPUCH HAS ALREADY WARNED HE WILL SEEK TO REBUT WHIT-FIELD'S RESPONSE TO DUPUCH'S SUBMISSION, A REBUTTAL WHICH HE ESTIMATED COULD LAST THREE DAYS BEYOND CONCLUSION OF WHIT-CONFIDENTIAL

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FIELD'S RESPONSE.  
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## Message Attributes

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**Decaption Date:** 01 JAN 1960  
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**Disposition Approved on Date:**  
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**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 16 JAN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <16-Jan-2002 by kelleyw0>; APPROVED <05-Feb-2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**Status:** NATIVE  
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**TAGS:** PFOR, CPRS, BF  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005